



STATE OF INDIANA

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June 23, 2011

Ms. Virginia Perry
Via Electronic Mail: vferry1036@aol.com

Re: Informal Inquiry 11-INF-35; Mooresville Redevelopment Commission

Dear Ms. Perry:

This is in response to your informal inquiry regarding Mooresville Redevelopment Commission ("Commission"). Pursuant to Ind. Code § 5-14-4-10(5), I issue the following opinion in response to your inquiry. My opinion is based on applicable provisions of the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et seq.*

Your inquiry seeks advice regarding the notice posted by the Commission for an executive session held on June 16, 2011. You include a copy of the Commission's meeting notice. Specifically, you ask whether the notice violated the Open Door law by failing to "state the subject matter by specific reference" for which the executive session was held.

Mr. Harold Gutzwiller, President of the Commission, responded to your inquiry via letter dated June 17, 2011. In his response, Mr. Gutzwiller states that the meeting in which you reference in your inquiry never occurred. Mr. Gutzwiller notes that the Commission will "make certain that future meeting notices for executive sessions contain all the appropriate language." Enclosed is a copy of Mr. Gutzwiller's response for your reference.

Executive sessions, which are closed to the public, may be held only for one or more of the instances listed in Ind. Code § 5-14-1.5-6.1(b). Notice of an executive session must contain, in addition to the date, time and location of the meeting, a statement of the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held. *See* I.C. § 5-14-1.5-6.1(d). Therefore, if the Commission intends to hold an executive session, the Commission must include in its notice all the requirements of a public meeting, a statement of the specific subject matter for which the executive session is held, and a citation to a provision in section 6.1 that permits the Commission to hold such an executive session. That said, because the executive session listed in the notice did not occur, the Commission did not violate the ODL. I note that Mr. Gutzwiller offered assurances that the Commission will post complete executive session notices in the future. I appreciate the Commission's cooperation and trust that

this issue is now resolved.

If I can be of additional assistance, please do not hesitate to contact me.

Best regards,

Andrew J. Kossack
Public Access Counselor

cc: Harold Gutzwiller